

DEPARTMENT OF HEALTH AND HUMAN SERVICES
DEPARTMENTAL APPEALS BOARD
Medicare Appeals Council
Docket Nos. M-19-2329 & M-19-2331

R.R. & Novocure, Appellants
ALJ Appeal No. 1-8429016928

**CONSOLIDATED ORDER REMANDING CASE TO THE
OFFICE OF MEDICARE HEARINGS AND APPEALS**

The Administrative Law Judge (ALJ) issued an decision dated June 28, 2019, concerning Medicare Part B coverage of Optune tumor treatment field therapy (TTFT) furnished to the beneficiary from June 11, 2018, to August 11, 2018. The ALJ determined that the TTFT is not covered and held the supplier financially responsible for the non-covered costs.

On July 25, 2019, the beneficiary, through an appointed representative, filed a request for review, asking the Medicare Appeals Council (Council) to review the ALJ's decision. The Council admits this request for review as Exhibit (Exh.) MAC-1. The Council docketed the beneficiary's case as M-19-2329.

Also, on July 25, 2019, the supplier filed a separate request for review, which adopted the beneficiary's contentions. The Council admits the supplier's request for review into the administrative record as Exh. MAC-2. The Council docketed the supplier's case as M-19-2331.

We cannot consider the requests for review at this time because parts of the record are missing. Specifically, Exh. 1 is missing pages 9, 93, and 95, and Exh. 2 is missing pages 21, 23, 24, and 29. Without a complete copy of the record, the Council is unable to complete a meaningful review of the appellants' appeal requests. We note that Exh. 2 includes medical records; therefore, a complete exhibit is particularly important for our review of this appeal. *See* Exh. List.

Accordingly, we hereby vacate the ALJ's decision and remand this case so the Office of Medicare Hearings and Appeals can assign the case to an ALJ for appropriate action. The ALJ shall reconstruct the record or develop a new record and may take any action needed to dispose of this case. In order to ensure that a complete copy of the administrative record is maintained in this case, the audio recordings of any further oral proceedings shall be retained in the claims file.

If the complete record is located, the ALJ may return it to the Departmental Appeals Board, MS 6127, Medicare Appeals Council, 330 Independence Avenue, S.W., Cohen Building, Room G-644, Washington, DC 20201. We will then vacate this remand order and consider the request for review.

MEDICARE APPEALS COUNCIL



Debbie K. Nobleman
Administrative Appeals Judge

Date: April 12, 2021